REMARKS

Claims 10-25 are in this application and are presented for consideration. Claims 10-25 have been added.

The specification, drawings and claims have been amended to address the Examiner's objections, incorporate the Examiner's suggestions and to place the application in better form. The claims have been amended to further highlight and more clearly point out the important features of the invention. Applicant thanks the Examiner for the careful reading of this application, and for pointing out discrepancies.

The original independent claims have been rejected as being anticipated by Ormanns '700.

New independent claim 20 has been added to set forth that the shoe has a shoe body. In the drawings, the shoe body is represented by the upper 3 and the sole or bottom 5. Claim 20 also sets forth that the shoe body has a safety class, as described in the specification on page 1 lines 24-28. A transponder 7 is mounted on the shoe body, and this transponder 7 includes data that indicates the safety class. Applicant finds no teaching nor suggestion in Ormanns of a transponder in a shoe including safety data identifying a safety class of the shoe body. Claim 20 therefore cannot be anticipated by Ormanns.

New claim 21 sets forth a receiver spaced from the shoe body and receiving in the safety data transmitted by the responder. An access apparatus receives the safety data from the receiver and determines if the shoe body and transponder have access to the safety area based on the safety data. Support for this can also be found in the present specification on page 1

lines 24-28. New figure 3 has been added to show these features in a drawing. The specification has also been amended to describe Figure 3 in the preferred embodiment section. Applicant finds no teaching nor suggestion in Ormanns of any structure determining access to a safety area based on safety data in a transponder of a shoe. New claim 21 therefore further defines over the applied prior art.

Many safety shoes are classified according to official standards. The safety shoes belong to a certain safety class. A safety class is defined by safety standards. Access to specific working areas requires the use of the proper safety shoes, i.e. shoes belonging to the pertinent and suitable safety class. e.g. in electronic manufacturing factories areas exist, where special and stringent safety requirements are applied as far as electromagnetic phenomena are concerned. Antistatic shoes are required. In other conditions, shoes are required, which avoid the risk of electric discharges, e.g. where explosive matters are handled.

The purpose of the invention is to use the data stored in a shoe transponder to allow or deny access to a wearer in a protected area based on checking the safety class of the shoe.

For example, access to an area containing explosive materials is restricted to personnel wearing suitable shoes which avoid the risks of electrostatic discharges and consequent sparks. A special safety class exists to which those shoes belong. The invention is based on the idea of using the data stored in the transponder to check whether the wearer wears the proper shoes or not for entering the protected area.

It shall be stressed that the transponder can contain data which per se define or identify the safety class to which the shoe belong. This, however, is not strictly necessary.

Indeed, the following different situation can exist. Each shoe has a safety class code printed in the inner sole or on a label attached thereto. Each transponder can contain a univocal numerical code which has no meaning per se. The factory where the shoes are to be used is provided with a database where the safety class of each shoe is stored in a record which also contains the univocal numerical code of the shoe. For example: a shoe including a transponder belongs to safety class "A". The transponder contains the binary code 10001111. The following information is then stored in the server: Shoe n. 10001111 belongs to safety class "A".

When the user accesses a restricted safety (protected) area, a sensor will read the information in the transponder and send it to the central server. The central server will receive as an input data the code 10001111 and the information on which is accessed (i.e. what kind of safety shoes are to be used for that area). The system then checks whether the 10001111 coded shoe belongs to a safety class which is consistent with the access to the area.

Ormanns fails to disclose the use of the shoe transponder to check the safety class to which a shoe belongs and to allow/deny (or somehow control) access to protected areas based on the safety class of the shoe.

New claim 25 sets forth a method where the safety class of a shoe body is transmitted to a safety area, and then access to the safety area for the shoe body and transponder are determined based on the safety data. Support for this can be found in the specification on page 1 lines 24-28. The prior art does not teach nor suggest these steps, and therefore claim 25 further defines over the prior art.

The rejection with regard to claim 4 refers to Ormanns column 4, lines 42-58. The

rejection states that this portion of Ormanns determines when a user has walked through particular barriers or locks or individual operational areas. However this portion does not describe any step of, or structure for, determining if the shoe has access to a particular area. Therefore this portion of Ormanns can not anticipate the determining step or the access apparatus of the present claims.

New claims 11-13 and 22-24 set forth further information included in the safety data of the transponder. This data is with regard to specific characteristics of the shoe. Applicant finds no teaching nor suggestion in Ormanns of Ormanns storing specific characteristics of a shoe. Therefore these claims further define over Ormanns.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact applicant's representative by telephone to discuss possible changes.

At this time applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Favorable action on the merits of this application is respectfully requested.

Respectfully submitted
for Applicant,

By:_____
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TD:tf
71678-8
Attached: (1) Sheet of New Drawings
Petition for Two Month Extension of Time

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